

AMENDED IN ASSEMBLY MAY 5, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1687

Introduced by Assembly Member Longville

February 21, 2003

An act to ~~amend Section 3017 of the Elections Code, relating to~~
~~voting~~ *add Section 10.5 to the Elections Code, relating to elections.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1687, as amended, Longville. Elections: ~~voting~~.

Existing law ~~authorizes an absent voter who, because of illness or other physical disability, is unable to return the ballot, to designate his or her spouse, child, parent, grandparent, grandchild, brother, sister, or a person residing in the same household as the absent voter to return the ballot.~~

~~This bill would authorize an absent voter who is unable to return the ballot, for any reason, to make the designation~~ *provides that the Secretary of State is the state's chief elections officer and is responsible for the administration and enforcement of election laws.*

This bill would authorize the Secretary of State to determine, after investigation, that elections in a voting jurisdiction have been conducted inefficiently or illegally and will irreparably or imminently fail. The bill would require the Secretary of State to communicate the reasons for the determination to the elections official who would be allowed a reasonable period to correct those reasons. The bill would provide a procedure by which the Secretary of State may petition the superior court to appoint a trustee to administer the elections in that jurisdiction. The bill would require the local jurisdiction to bear the

costs associated with these procedures, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions. .

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 3017 of the Elections Code is amended~~

2 SECTION 1. Section 10.5 is added to the Elections Code, to
3 read:

4 10.5. (a) After investigation, the Secretary may determine
5 that elections in a voting jurisdiction have been conducted
6 inefficiently or in violation of state law and will irreparably or
7 imminently fail. The investigation shall include, but not be limited
8 to, a public hearing within the voting jurisdiction.

9 (b) The Secretary shall specify to the elections official of the
10 voting jurisdiction, in writing and by certified mail, the reasons
11 upon which the determination was made.

12 (c) The Secretary shall allow the elections official a reasonable
13 period to correct the reasons for the determination. If they are not
14 corrected within this period, the Secretary may petition the
15 superior court to appoint a trustee to administer all election
16 activities within the voting jurisdiction.

17 (d) The trustee selected by the Secretary pursuant to court order
18 shall be an experienced federal, state, or local elections official.
19 The trustee, under the direction of the Secretary, shall administer
20 all election activities within the voting jurisdiction. When the
21 reasons for the determination have been corrected, the trustee

1 *shall notify the Secretary in writing, which the Secretary shall*
2 *report to the court with a request to dissolve the trust.*

3 *(e) The voting jurisdiction shall bear all costs associated with*
4 *the appointment of, and the administration by, the trustee.*

5 *(f) (1) Sacramento County shall be the exclusive venue for any*
6 *proceeding pursuant to this section.*

7 *(2) As used in this section, "Secretary" means the Secretary of*
8 *State.*

9 *SEC. 2. Notwithstanding Section 17610 of the Government*
10 *Code, if the Commission on State Mandates determines that this*
11 *act contains costs mandated by the state, reimbursement to local*
12 *agencies and school districts for those costs shall be made*
13 *pursuant to Part 7 (commencing with Section 17500) of Division*
14 *4 of Title 2 of the Government Code. If the statewide cost of the*
15 *claim for reimbursement does not exceed one million dollars*
16 *(\$1,000,000), reimbursement shall be made from the State*
17 *Mandates Claims Fund.*

18 ~~to read:~~

19 ~~3017.—(a) All absentee ballots cast under this division shall be~~
20 ~~voted on or before the day of the election. After marking the ballot,~~
21 ~~the absent voter shall either: (1) return the ballot by mail or in~~
22 ~~person to the elections official from whom it came or (2) return the~~
23 ~~ballot in person to any member of a precinct board at any polling~~
24 ~~place within the jurisdiction. However, an absent voter who is~~
25 ~~unable to return the ballot, may designate his or her spouse, child,~~
26 ~~parent, grandparent, grandchild, brother, sister, or a person~~
27 ~~residing in the same household as the absent voter to return the~~
28 ~~ballot to the elections official from whom it came or to the precinct~~
29 ~~board at any polling place within the jurisdiction. The ballot must,~~
30 ~~however, be received by either the elections official from whom~~
31 ~~it came or the precinct board before the close of the polls on~~
32 ~~election day.~~

33 ~~(b) The elections official shall establish procedures to insure~~
34 ~~the secrecy of any ballot returned to a precinct polling place.~~

35 ~~(c) The provisions of this section are mandatory, not directory,~~
36 ~~and no ballot shall be counted if it is not delivered in compliance~~
37 ~~with this section.~~

38 ~~(d) Notwithstanding subdivision (a), no absent voter's ballot~~
39 ~~shall be returned by any paid or volunteer worker of any general~~
40 ~~purpose committee, controlled committee, independent~~

1 ~~expenditure committee, political party, candidate's campaign~~
2 ~~committee, or any other group or organization at whose behest the~~
3 ~~individual designated to return the ballot is performing a service.~~
4 ~~However, this subdivision shall not apply to a candidate or a~~
5 ~~candidate's spouse.~~

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